

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION**

In the matter of:	)	Complaint No. 98-22
Jimmy Luong, dba	)	for
Pacific Auto Wrecking	)	Administrative Civil Liability
802 Ontario Boulevard	)	
Ontario, CA 91764	)	

**YOU ARE HEREBY GIVEN NOTICE THAT:**

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose liability under Section 13385 of the California Water Code.
2. A hearing concerning this complaint may be held before the Board within sixty days of the date of issuance of this complaint. The hearing in this matter has been scheduled for the Board's regular meeting on March 6, 1998 at the City Council Chambers of Newport Beach, 3300 Newport Boulevard in Newport Beach, California. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days before the hearing date.
3. At the March 6, 1998 hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. Your facility is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). Your facility's WDID No. is 836S012233. The General Permit requires you to submit an annual report by July 1 of each year.
5. On March 29, 1996, you filed a Notice of Intent to comply with the terms of the General Permit. You were required to submit a storm water annual report on July 1, 1997. Prior to the July 1 deadline, a blank form of the annual report was mailed to you. On December 22, 1997, a Notice of Violation was issued to you, for non-submittal of the 1996-97 annual report. The Notice of Violation requested submittal of the completed annual report to our office by January 15, 1998, a statement explaining why the annual report was not submitted by the July 1 deadline, and the measures that you will take to ensure that future annual reports are submitted on time. You failed to respond to the Notice of Violation and the annual report has not been submitted to date. Your facility is in violation of the General Permit, the Federal Clean Water Act and the California Water Code.

6. Section 13385 (a)(2) of the California Water Code provides that any person who violates any waste discharge requirements issued pursuant to the Federal Water Pollution Control Act shall be civilly liable. Section 13385 (c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs.
7. Based on non-submittal of the 1996-97 annual report, your facility is alleged to have violated the General Permit for 214 days (July 2, 1997 to February 2, 1998) and is civilly liable for a total of 214 days of violation at a maximum of \$10,000 for each day in which the violation occurs. The total maximum liability for this violation is \$2,140,000.00.
8. Section 13385 (e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of those factors, the Executive Officer proposes civil liability be imposed on your facility by the Board in the amount of \$3,000.00 for the violation cited in Paragraph 7., above.

### **WAIVER OF HEARING**

You may waive your right to a hearing. If you wish to waive the hearing, please sign the attached waiver and return it, together with a check or money order payable to the State Water Resources Control Board for half the amount of civil liability proposed in Paragraph 8 above, to:

Santa Ana Regional Water Quality Control Board  
3737 Main Street, Suite 500  
Riverside, CA 92501-3339

If you have any questions, please contact Michael Adackapara, Chief of the Board's Storm Water Section, at (909) 782-3238, or contact the Regional Board's staff counsel, Ted Cobb, at (916) 657-0406.

\_\_\_\_\_  
Date \_\_\_\_\_

Gerard J. Thibeault  
Executive Officer

In the matter of: )  
Jimmy Luong, dba )  
Pacific Auto Wrecking )  
802 Ontario Boulevard )  
Ontario, CA 91764 )

Complaint No. 98-22  
for  
Administrative Civil Liability

#### WAIVER OF HEARING

I agree to waive my right to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 98-22. I have enclosed a check or money order, made payable to the State Water Resources Control Board, for half the amount of the civil liability proposed in Paragraph 8 of Complaint No. 98-22. I understand that the remaining amount will be suspended if I submit the 1996-97 annual report by February 17, 1998 and the 1997-98 annual report by July 1, 1998. I also understand that I am giving up my right to be heard and to argue against allegations made by the Executive Officer in this complaint, and against the imposition of, and the amount of, the liability proposed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jimmy Luong

February 2, 1998

Jimmy Luong  
Pacific Auto Wrecking  
802 Ontario Boulevard  
Ontario, CA 91764

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 98-22**

Dear Mr. Luong:

Enclosed please find a copy of the staff report regarding the issuance of Administrative Civil Liability (ACL) Complaint No. 98-22 and the Board meeting agenda. This report will be presented to the Ontario Regional Water Quality Control Board at a public hearing scheduled for the March 6, 1998 Board meeting. As you can see from the enclosed agenda, Complaint No. 98-22 is Item xx. The meeting will begin at 9:00 a.m. at the City Council Chambers of Newport Beach, 3300 Newport Boulevard in Newport Beach. At the hearing, you will have an opportunity to present testimony concerning the proposed liability and the violation cited in the complaint.

Based on the information that you provided to our staff, the revised staff recommendation is for an assessment of \$3,000.00 based on failure to submit the 1996-97 annual report. You may pay the \$3,000 prior to February 17, 1997 and waive your right to a hearing by completing the enclosed waiver form.

If you have any questions concerning the staff report or the hearing process, please contact Kurt Berchtold at (909) 782-3286.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Enclosure: Staff Report, Board meeting agenda, and waiver of hearing form

cc: Ted Cobb, SWRCB - OCC (w/enclosure)  
Ken Greenberg, USEPA Region 9 - W-5-3 (w/enclosure)

February 2, 1998

Jimmy Luong  
Pacific Auto Wrecking  
802 Ontario Boulevard  
Ontario, CA 91764

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. 98-22**

Dear Mr. Luong:

Enclosed please find a certified copy of Complaint No. 98-22 regarding Pacific Auto Wrecking., proposing administrative civil liability of three thousand dollars (\$3,000) for violations of Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities. A public hearing on this matter has been scheduled for the March 6, 1998 Regional Board meeting at the City Council Chambers of Newport Beach, 3300 Newport Boulevard in Newport Beach, California. The staff report regarding this complaint and the meeting agenda will be mailed to you prior to the Board meeting.

You have the option to waive your right to a hearing. If you choose to waive your right to a hearing, and submit the 1996-97 annual report by February 17, 1998 and the 1997-98 annual report by July 1, 1998, \$1,500 of the civil liability may be suspended. If you agree to these conditions, please sign the enclosed waiver form and submit it to this office by February 17, 1998 with the 1996-97 annual report and a check or money order for \$1,500. The check or money order should be made payable to the State Water Resources Control Board.

If you do not wish to waive your right to a hearing, I have tentatively scheduled a pre-hearing meeting at the Regional Board office for February 17, 1998. At that time, you may submit information that may not have been previously available to staff regarding these incidents. The information should address the following:

1. Nature, circumstances, extent, and gravity of the violations;
2. Your ability to pay the proposed assessment;
3. Any prior history of violations;
4. Your degree of culpability;
5. Economic benefit or saving; and
6. Such other matters as justice may require.

Please contact Pavlova Vitale at (909) 782-4920 to schedule a time for the February 17, 1998 pre-hearing meeting. If you have any other questions, you may also contact Mike Adackapara at (909) 782-3298 or our legal counsel, Ted Cobb, at (916) 657-0406.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Enclosure: Complaint No. 98-22 and "Waiver of Hearing" form

cc: Ted Cobb, SWRCB - OCC  
Ken Greenberg, USEPA Region 9 - W-5-3  
Bruce Fujimoto, SWRCB - DWQ  
Eugene Bromley - U.S. EPA, Region 9, W-5-1  
Naresh Varma - San Bernardino County Department of Transportation and Flood Control District